

57-9-8 Definitions.

As used in this act:

- (1) The words "marketable record title" mean a title of record as indicated in Section 57-9-1, which operates to extinguish such interests and claims, existing prior to the effective date of the root of title, as are stated in Section 57-9-3.
- (2) The word "records" includes probate and other official public records, as well as records in the registry of deeds.
- (3) The word "recording," when applied to the official public records of a probate or other court, includes filing.
- (4) The words "person dealing with land" include a purchaser of any estate or interest therein, a mortgagee, a levying or attaching creditor, a land contract vendee, or any other person seeking to acquire an estate or interest therein, or impose a lien thereon.
- (5) The words "root of title" mean that conveyance or other title transaction in the chain of title of a person, purporting to create the interest claimed by such person, upon which he relies as a basis for the marketability of his title, and which was the most recent to be recorded as of a date 40 years prior to the time when marketability is being determined. The effective date of the "root of title" is the date on which it is recorded.
- (6) The words "title transaction" mean any transaction affecting title to any interest in land, including title by will or descent, title by tax deed, or by trustee's, referee's, guardian's, executor's, administrator's, master in chancery's, or sheriff's deed, or decree of any court, as well as warranty deed, quitclaim deed, or mortgage.

Enacted by Chapter 109, 1963 General Session